UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/681,884	10/08/2003	Brian Westfall	ALPI-18833	8194

1224 7590 03/23/2007	EXAMINER	
CRUTSINGER & BOOTH	HAMILTON, ISAAC N	
1601 ELM STREET		
SUITE 1950	ART UNIT	PAPER NUMBER
DALLAS, TX 752014744	3724	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>05 January 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-16</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-16</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>01/05/07</u>.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1.   The rejection made under 35 USC 112 is hereby withdrawn in light of the amendment to

claim 16.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Steiner et al

(4,641,557), hereafter Steiner in view of Giles (6,640,855), and further in view of Edler

(3,302,669) and Jureit et al (3,910,142). Steiner discloses an automated cutting assembly in

figure 3; cutting blade 29 moves automatically along a vertical axis as recited in column 2, lines

52-55; cutting blade 29 is automatically rotatable about pivot axis 31 via motor 33 as recited in

column 2, lines 31-36; computer shown in figure 3A; the apparatus is capable of cutting the

workpiece at a bevel angle using a stab cut by simultaneously moving the workpiece along its

longitudinal axis manually and automatically moving the cutter along the vertical axis with the

computer; the apparatus capable of cutting the workpiece at a bevel cut using a stab cut and

cutting the workpiece while moving the blade along the transverse axis; the apparatus is capable

of cutting the workpiece at other than a ninety degree bevel cut; the apparatus is capable of using

a stab cut in combination with a transverse cut; the apparatus is capable of having a maximum

cut length greater than the length of the bevel cut, and is capable of having a maximum cut

length of at least ten inches. Steiner discloses everything, but does not disclose an automatic

linear feed assembly, automatically rotating the saw blade about a bevel axis, and automatically

moving the saw blade along the transverse axis. Note that if an element is being moved via a

motor instead of manually by a user, then it is considered to be automatic.

Giles teaches automatic linear feed assembly 50. It would have been obvious to provide

an automatic linear feed assembly in Steiner as taught by Giles in order to incorporate computer

aided design workstations into the cutting process for accurate and rapid production of

workpieces. Note that the workpiece is moved without a user manually moving the workpiece as

taught by Giles, and therefore, the workpiece is automatically moved by Giles. Also note that

Giles teaches moving cutters and the workpiece simultaneously in column 5, lines 4-5. Further

note that Giles teaches upstream and downstream feed assemblies 82a, 83b, 84a, 84b; sensors in

column 6, lines 14-15; and that the linear feed system can move forward and backward in

column 4, lines 56-59.

Edler teaches automatically rotating the saw blade about a bevel axis in figure 2 and

columns 8-9, lines 73-7, respectively. It would have been obvious to provide automatically

rotating the saw blade about a bevel axis in Steiner as taught by Edler in order to automate the

saw.

Jureit teaches automatically moving the saw blade along the transverse axis via elements

282, 284, 286, 278 as recited in column 9, lines 52-57, and column 10, lines 12-15. It would

have been obvious to provide automatically moving the saw blade along the transverse axis in

Steiner as taught by Jureit in order to automate the saw. Note that the combination is capable of

automatically creating a bevel cut, a transverse cut, and a scarf cut on a workpiece.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection. Applicant has used the limitation "able to" in several instances in the claims in order to further define the apparatus. However, this language merely implies the capability of the apparatus to perform a certain process, and does not limit the structure of the apparatus. In order to define the structure of the apparatus necessary for the automatic cutting of the workpiece, language such as "control means for" should be used.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac Hamilton whose telephone number is 571-272-4509. The examiner can normally be reached on Monday through Friday between 8am and 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Boyer D. Ashley can be reached on 571-272-4502. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent
Application Information Retrieval (PAIR) system. Status information for published applications
may be obtained from either Private PAIR or Public PAIR. Status information for unpublished
applications is available through Private PAIR only. For more information about the PAIR
system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private
PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

IH
March 19, 2007

KENNETH E. PETERSON
PRIMARY EXAMINER